

## REMARKS/ARGUMENTS

The Applicant acknowledges, with thanks, the office action dated August 10, 2007. Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0009562 to Heymann et al. in view of U.S. Patent Publication No. 2003/0112271 to Batalden et al. Claims 2-5, 7-12, 14-17 and 19-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heymann in view of U.S. Patent No. 7,100,122 to Blaschke et al. Claims 6 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heymann in view of U.S. Patent 6,963, 908 No. to Lynch et al. Claims 1-24 were cancelled and new claims 25-40 are substituted therefore. No new matter has been added.

The subject application is directed to a system and method for tracking web-based sessions. A browser is disposed on an associated data terminal and having at least one visible browser window associated therewith, wherein the browser is adapted for generating at least one interactive session with an associated web server. At least one session tracking application is associated with an interactive session and includes the functionality to monitor activity on the associated interactive session, initiate a counter to an opening value in accordance with w session identifier of the initial instance associated with the interactive session, and determine whether monitored activity includes an unload event. The session tracking operation also includes the functionality to spawn a hidden window browser upon determination of an unload event, and determine when the monitored activity includes opening of an additional instance of the interactive session or closing of an instance of the interactive session. The session tracking application also includes the ability to increment a counter in accordance with each instance opening, decrement the counter in accordance with each instance closing, and test the current counter value against the opening value. The hidden browser window has the functionality to communicate with the interactive session to inform it to terminate the associated interactive session by generation of a termination signal upon a determination of an unload event when the current counter value equals the opening value and notify the web server to close out the interactive session.

As noted earlier, Heyman is directed to a system in which a server issues a close window instruction to an associated browser, which instruction remains unexecuted until a browser session is ended. Heyman does not use a hidden window to monitor browser sessions during

move events or close events, nor does it teach cooperation between a hidden window and a session monitoring application to facilitate notification to the server so as to close out server sessions. The Examiner has placed new reliance on the additional teachings of Batalden relative to the use of windows, which may be hidden. It is to be appreciated that the control window of Batalden is directed solely to control of another window. More specifically, Batalden states, "The controlling browser window is configured to control aspects of the controlled browser window." See Paragraph 0024. Conversely, the subject application uses a hidden window relative to monitoring of other windows, and reporting to an associated application to facilitate communication with a server to terminate web sessions. No control of another window is accomplished by the subject hidden window. In fact, the subject application directs the hidden window to allow for transparent, background monitoring and communication with the server. No control of any other window is made.

Amendment to each of independent claims 1 and 33 has been made to render more clearly the patentable distinctions, summarized above, over the art of record. As amended, all claims now include limitations wherein the hidden window is spawned during monitored events, and this hidden window notifies an application when a session should be closed so that the application may, in turn, notify the server. Such a monitoring function of the subject hidden window, coupled with a communication between the hidden window and the monitoring application, is far removed from the teachings of Heyman and Batalden, alone or in combination.

The deficiencies of Heyman and Batalden are not remedied by any additional teachings of Blaschke or Lynch. Blaschke is cited as being directed to determining a number of browser windows, and Lynch is cited as being directed to a session management system that does not terminate a valid session upon determining a browser refresh. However, neither reference teaches the novel aspects of the subject summarized above.

In view of the afore-noted amendments and comments, is respectfully submitted that all claims are patentably distinct over the art of record and in condition for allowance thereover. An early allowance of all claims is requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 66329/31260.

Respectfully submitted,



Date: December 3, 2007

---

Susan L. Mizer  
Registration No. 38,245  
TUCKER ELLIS & WEST LLP  
1150 Huntington Bldg.  
925 Euclid Ave.  
Cleveland, Ohio 44115-1414  
**Customer No.: 23380**  
Tel.: (216) 696-3466  
Fax: (216) 592-5009